

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

JOSEPH DANIELS,

Plaintiff,

v.

Civil Action No. 2:20-cv-00230

ANDREW SAUL,

Commissioner of Social Security,

Defendant.

ORDER

Pending are requests for judgment on the pleadings, filed by plaintiff on November 18, 2020, and by defendant on December 16, 2020. ECF Nos. 17, 18. This action involves a request by plaintiff for review of the final decision of the Commissioner of Social Security ("Commissioner") denying his application for supplemental security income ("SSI") under Title XVI of the Social Security Act, 42 U.S.C. §§ 181-1383f and was previously referred to United States Magistrate Judge Cheryl A. Eifert for submission to the court of her Proposed Findings and Recommendation ("PF&R") for disposition pursuant to 28 U.S.C. § 636(b)(1)(B). On January 26, 2020, the magistrate judge entered her PF&R recommending that the court deny plaintiff's motion for judgment on the pleadings, grant defendant's request to affirm the Commissioner's decision, affirm the final decision of the

Commissioner, and dismiss this action from the court's docket. ECF No. 19. Plaintiff has not filed any objection to the PF&R. See 28 U.S.C. § 636(b)(1) (party has fourteen days from service of PF&R to file objections); see also Fed. R. Civ. P. 6(d) (providing an additional three days where service is made by mail).

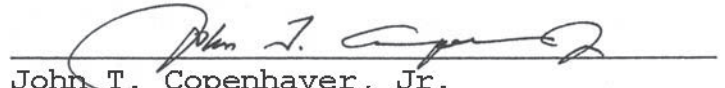
Plaintiff having not filed any objection to the PF&R, it is ORDERED that the findings made in the PF&R of the magistrate judge be, and they hereby are, adopted by the court and incorporated herein.

Accordingly, it is ORDERED that:

1. The magistrate judge's PF&R entered January 26, 2021 be, and it hereby is, adopted and incorporated in full;
2. The plaintiff's request for judgment on the pleadings be, and hereby is, denied;
3. The Commissioner's request for judgment on the pleadings be, and hereby is, granted;
4. The decision of the Commissioner be, and hereby is, affirmed; and
5. This action be, and hereby is, dismissed and removed from the docket of the court.

The Clerk is directed to forward copies of this order
to all counsel of record and the United States Magistrate Judge.

ENTER: February 19, 2021


John T. Copenhaver, Jr.
Senior United States District Judge